

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUSTAVE LINK,

No. C-12-0726 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S MOTION
FOR RECUSAL**

v.

JOHN C. DUNCAN, et al.,

Defendants

The Court is in receipt of plaintiff's "Motion for Recusal," filed March 15, 2012, as amended March 16, 2012. Having read and considered the motion, the Court rules as follows.

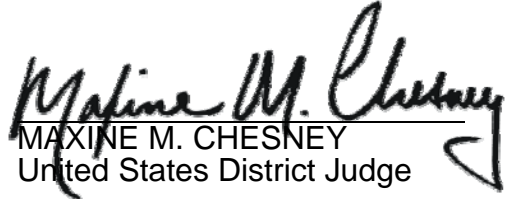
Plaintiff's conclusory affidavit submitted in support of his motion is insufficient as a matter of law to demonstrate any grounds for recusal, in that it is based on speculation, see Grimes v. United States, 396 F.2d 331, 333 (9th Cir. 1968) (holding district court properly denied motion under § 144 where movant's affidavit lacked "[d]etail of definite time and place and character"; finding such "detail" is "absolute necessity"), and on judicial rulings issued in a prior related case filed by plaintiff, see United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986) (holding "a judge's prior adverse ruling is not sufficient cause for recusal"). Moreover, to the extent the affidavit makes reference to the undersigned's having been a state prosecutor and state judge, the affidavit is insufficient as a matter of

1 law, for the reason that the Court of Appeals for the Ninth Circuit has ruled those
2 circumstances, raised by Link in the prior related case, do not “establish[] grounds for
3 recusal.” See Link v. California, 385 Fed. Appx. 383, 385 (9th Cir. 2010), cert. denied, 131
4 S. Ct. 2100 (2011).

5 Accordingly, the motion is hereby DENIED.

6 **IT IS SO ORDERED.**

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8 Dated: March 26, 2012


MAXINE M. CHESNEY
United States District Judge